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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/629,277	07/31/00	MIYOSHI H	9369-49(T37-

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AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.  
ONE COMMERCE SQUARE  
2005 MARKET STREET, SUITE 2200  
PHILADELPHIA PA 19103

EXAMINER  
BRAHAN, T

ART UNIT	PAPER NUMBER
3652	5

DATE MAILED: 07/06/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

# Office Action Summary

Application No.  
**09/629,277**

Applicant(s)  
**MIYOSHI et al**

Examiner  
**Thomas J. Brahan**

Art Unit  
**3652**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 31, 2000
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) ☐ Other:

1. The following is a quotation of the second paragraph of 35 U.S.C. § 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.
2. Claims 1-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - a. The penultimate line of claim 1 recites that the machine room "faces" with an elevator passage. However the term faces is not a specific technical term. One definition of the verb face is to front an object. This is not accurate for the relationship between the applicant's machine room and elevator passage.
  - b. Claims 2-6 are confusing as they recite a motor assembly, which does not actually include the motor. One reading the various limitation regarding this element would be considering a motor as the element referred to. However most of the limitations are not readable on the motor of this disclosed apparatus.
  - c. Claim 5 is inaccurate as it states that the output shaft of the speed-reducer constitutes the sheave. However the sheave is not a "shaft", and is not a shaft of the speed reducer.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:  
A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.  
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

5. Claim 1, as best understood, is rejected under 35 U.S.C. § 102(e) as being anticipated by Fargo. Fargo shows an elevator apparatus comprising:

an actuating device including a sheave (16) around which a rope engaged with an ascending and descending cage (22) is wound, the sheave being adapted to rotate thereby to move the rope with its rotation, and a driving section (14) for rotating the sheave, and

wherein the actuating device is installed in a machine room provided on a top floor of a building in which said ascending and descending cage is disposed, and the machine room faces with an elevator passage for the cage.

6. Claim 1, 2, 5, and 6, as best understood, is rejected under 35 U.S.C. § 102(b) as being anticipated by Yamaski. Yamaski shows an elevator apparatus comprising:

an actuating device including a sheave (7) around which a rope engaged with an ascending and descending cage (15) is wound, the sheave being adapted to rotate thereby to move the rope with its rotation, and a driving section for rotating the sheave, and

wherein the actuating device is installed in a machine room provided on a top floor of a building in which said ascending and descending cage is disposed, and the machine room faces with an elevator passage for the cage (to the same degree as applicant's machine room faces the elevator room).


Yamaski has a support member (5) which has the speed reducer (11) mounted on a first side (the left side as seen in figure 3), and the brake (12a) and the motor assembly (12) mounted on the opposite,

as recited in claim 2. The out put shaft of the speed-reducer is integral with the sheave, as claim 5 is best understood.

7. Claims 1-6, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Latorre in view of Fargo. Latorre shows an elevator actuating device including a sheave (6) around which a rope engaged with an ascending and descending cage is wound. Latorre is mounted at the top of the hoistway, but varies from claim 1 by not specifying that it is in a room that faces the hoistway. Fargo shows a similar actuating device with a traction sleeve (16). The actuating device of Fargo is mounted in a room which faces the hoistway. It would have been obvious to one of ordinary skill in the art to modify the elevator arrangement of Latorre by mounting the motor assembly in a room which faces the hoistway, for easy access to it for maintenance, as taught by Fargo. Fargo has a support member at the flanged collar (2) which has the speed reducer mounted on a first lower side, and the brake (5) and the motor assembly (1) mounted on the second upper side, as recited in claim 2. The motor assembly shaft, the brake and the input shaft of the speed-reducer are aligned coaxially, as recited in claim 3. The brake assembly is arranged below as well as radially inwardly of the motor assembly as recited in claim 4. The out put shaft of the speed-reducer is integral with the sheave, as claim 5 is best understood.

8. Ito, Miyagi, Kato, and Yamaski et al are cited as showing similar machine room mounted traction sheave elevator hoists.

9. An inquiry concerning this action should be directed to Examiner Thomas J. Brahan at telephone number (703) 308-2568 on Mondays through Thursdays from 8:30-6:00 EST. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (703) 308-3248. The fax number for Technology Center 3600 is (703) 305-7687.

  
THOMAS J. BRAHAN  
PRIMARY EXAMINER